

Appln No. 10/760,240  
Amdt. Dated November 27, 2006  
Response to Final Office Action of October 17, 2006

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### **REMARKS/ARGUMENTS**

In response to the Examiner's final Office Action of October 17, 2006 the Applicant respectfully submits the following Remarks.

#### ***Specification***

At Pages 1 and 2 of the specification, the paragraph entitled "Co-pending paragraph" has been deleted and replaced by a new paragraph, merely to update the US application numbers with their corresponding US granted patent numbers, where applicable.

The Applicant submits that these amendments introduce no new matter.

#### ***Regarding 35 USC 103(a) Rejections***

It is respectfully submitted that the subject matter of pending independent claim 1, and claims 3-51 dependent therefrom, is not taught or suggested by previously cited Martin, Fujii and Kwasny in view of newly cited Adams et al. (US 2004/0085288) and Cannon et al. (US 5,571,590), and/or further in view of any one or more of previously cited Goldstein, Gerber, Krinsky, Lapointe, Schoendienst, Bilek, Sandhoo, Harris, Nagel, Nielson and Yada, for at least the following reasons.

Pending independent claim 1 clearly recites the steps of:

"providing the franchisee with a collection of patterns in a digital storage medium that can be read by the printer and in a physical medium having symbols identifying each pattern of the collection"; and

"providing the franchisee with a scanner for scanning the symbol of the customer selected pattern, the one or more printer input devices communicating the selected pattern from the digital storage medium to the processor in response to the scanned symbol" (emphasis added).

The Examiner admits that none of Martin, Fujii and Kwasny (and the other previously cited references) teaches or suggests these steps, and newly cites Adams as purportedly disclosing "a physical medium having symbols" and Cannon as purportedly disclosing "a scanner for scanning the symbol".

However, Adams merely discloses arranging printed thumbnail or similar marks 23-25 on a surface portion 21 of an interface device 1 so as to align with an array of switches 33a,33b so that a user can use the marks to actuate certain switches and therefore access stored data items 2 associated with the marks (see paragraphs [0044]-[0048] of Adams), and Cannon merely discloses using a color scanner 12 to scan images on original cards 10 to input the imagers into a computer database (see col. 4, line 6-col. 5, line 49 of Cannon).

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Thus, based on the disclosures of Adams and Cannon, and Martin, Fujii, Kwasny and the other previously cited references, one of ordinary skill in the art would only be motivated to select the thumbnail marks, which represent images already stored in computer memory, by use of an array of switches as taught by Adams because, like Fujii, Cannon merely discloses the capturing the images themselves for incorporation into computer memory by using a scanner.

Thus, the subject matter of pending claims and 3-51 is not taught or suggested by Martin, Fujii, Kwasny, Adams, Cannon, Goldstein, Gerber, Krinsky, Lapointe, Schoendienst, Bilek, Sandhoo, Harris, Nagel, Nielson and Yada, either taken alone or in combination with one another.

It is respectfully submitted that the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

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